IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 35214 of 1998

Between:

1. M. Narasimlu s/o Sri Ashappa, 27 years, Contract Labour, r/o Bennur, Yalal Mandal, R.R. District.

2. D. Anantaiah s/o sri Ramappa, 30 years, Contract Labour,r/o Doulapur, Yalal Mandal, R.R. District.

(Both the petitioners are working under the jurisdiction of the respondents)

..... PETITIONER

AND

1. The Executive Engineer (P.R.R.W.S.), Mahaboobnagar, Mahaboobnagar district.

2. The Deputy Executive Engineer (P.R.R.W.S.), Kodangal, Mahaboobnagar district.

3. The Superintendent Engineer, Panchayat Raj Department, Mahaboobnagar, Mahaboobnagar district.

4. The District Collector, Mahaboobnagar district at Mahaboobnagar.

5. The District Collector, Ranga Reddy district, Lakdikapool, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ, order or direction more particularly a Writ of Mandamus

and declare the action of the respondents in not providing the petitioners suitable jobs as promised by them and grant the consequential relief by directing the respondents to absorb the petitioners in suitable government jobs.

Counsel for the Petitioners: MR.DANTU.SRINIVAS

Counsel for the Respondent Nos.1 to 5: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following:

Oral Order:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not providing suitable jobs to the petitioners, as promised by them as illegal and; to grant consequential relief directing the respondents to absorb the petitioners in suitable government jobs and further to issue appropriate orders.

The case of the petitioners is that their respective lands situated in Survey Nos.75/A, 75/B of Bennur village, Yalal Mandal, Ranga Reddy district and the land situated adjacent to the house in Dowlapur village, Yalal Mandal, Ranga Reddy district were taken away by the authorities without invoking the provisions of the Land Acquisition Act, 1894 nor by paying any compensation. At the time of taking away these lands, the respondents have promised that the petitioners would be absorbed in government jobs in lieu of compensation.

In fact, the petitioners are engaged through contractors and are continuing as such till date and working as site Supervisors. They were asked to work under a Contractor till they are absorbed in the permanent posts. Believing the same in good faith, they have been working under private contractors since 1995 onwards till date with a fond hope that one day their services will be absorbed on permanent basis. To their utter surprise, in spite of issuing a legal notice dated 25-07-1998, the services of the petitioners were not absorbed on regular basis. Therefore, this writ petition is filed.

A detailed counter affidavit has been filed denying the allegations

made by the petitioners and asserting that the petitioners worked as labourers for construction work on daily wage basis with the contractor. The Department neither promised them to provide a suitable job nor promised payment of compensation for the donated lands. The petitioners were engaged for execution of work by private Contractors since 1995 onwards.

Heard both parties.

Learned Government Pleader appearing for the respondents, at the threshold, contended that the very writ petition is not maintainable for the reason the petitioners are claiming absorption, on permanent basis, into government service. The only course left open to the petitioners is to approach the Andhra Pradesh Administrative Tribunal and work out their remedies. Therefore, the writ petition is also liable to be dismissed.

I am in full agreement with the submissions made by the learned Government Pleader appearing for the respondents and the learned counsel for the petitioners also does not dispute this aspect seriously. Therefore, the very writ petition is not maintainable and is liable to be dismissed. However, the learned counsel for the petitioners submits that in view of the order of *status-quo* granted by this court obtaining as on 22-12-1998, the petitioners are still being engaged as contract labour. Since the writ petition was pending for the last six years, the interest of the petitioners is to be protected to the extent of maintaining *status-quo* till they obtain appropriate orders by approaching the appropriate forum as per law. Therefore, while dismissing the writ petition, the *status-quo* orders granted by this court on 22-12-1998 are being extended for a period of four weeks from today so that the petitioners may approach the appropriate forum and obtain orders as per law.

With the above observations, the writ petition is dismissed. No costs.

C.V. RAMULU, J

Dt. 13-10-2004

Pvks/*

Nb: Furnish c.c. by Monday i.e.,18/10/2004.

B/o pvks/*

To

1.The Executive Engineer (P.R.R.W.S.), Mahaboobnagar, Mahaboobnagar district.

2.The Deputy Executive Engineer (P.R.R.W.S.), Kodangal, Mahaboobnagar district.

3.The Superintendent Engineer, Panchayat Raj Department, Mahaboobnagar, Mahaboobnagar district.

4,The District Collector, Mahaboobnagar district at Mahaboobnagar.

5.The District Collector, Ranga Reddy district, Lakdikapool, Hyderabad.

6.2CCs to the Government Pleader for Pancayat Raj and Rural Development, A.P. High Court Buildings, Hyderabad (OUT).

7.2CD copies

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